

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RONALD RENARD THOMAS #20050089846,)
)
Plaintiff,)
)
v.) No. 06 C 1070
)
GREGORY LONGMIRE, et al.,)
)
Defendants.)

MEMORANDUM ORDER

Each of the two defendants in this 42 U.S.C. §1983 lawsuit brought against them by Ronald Thomas ("Thomas")--Gregory Longmire ("Longmire") and Jeremy Tucker ("Tucker")--has filed his Answer to Thomas' Second Amended Complaint ("SAC"). Quite apart from the fact that it would have been a good deal easier to handle the matter if the lawyer representing both defendants had filed a single Answer on their behalf, thus highlighting the respects in which their responsive pleadings did and did not diverge in terms of admissions, denials and disclaimers under the second sentence of Fed. R. Civ. P. ("Rule") 8(b), one aspect of each Answer calls for comment.

In each instance defense counsel has failed to track the clear roadmap marked out by Rule 8(b)'s second sentence--see App. ¶1 to State Farm Mut. Auto. Ins. Co. v. Riley, 199 F.R.D. 276, 278 (N.D. Ill. 2001). Accordingly Longmire's Answer ¶¶16-23, 25-27 and 35 and Tucker's Answer ¶¶9, 11-16, 19 and 21-27 are stricken, but with leave being granted to replead the disclaimers

contained there in proper form.

As long as so many paragraphs in each Answer need a return to the drawing board, everyone's interests would be best served by the filing of complete and self-contained amended answers, rather than handling the corrections by way of a separate amendment to the original responses. And with that being true, it makes even more sense for the self-contained new pleading to be filed as a single Amended Answer to the SAC on behalf of both defendants. Defense counsel is ordered to do so on or before October 25, 2006.

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is written in a cursive, flowing style with a large initial "M".

Milton I. Shadur
Senior United States District Judge

Date: October 13, 2006